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 May 18, 2010
Marilyn R. Khorsandi

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Daniel F. Williams
Patent No. : **7,660,721**
Issued : February 9, 2010
Application No. : 09/820,292
Filed : March 27, 2001
Title : APPARATUS, SYSTEMS AND METHODS FOR
ONLINE, MULTI-PARCEL, MULTI-CARRIER, MULTI-
SERVICE PARCEL RETURNS SHIPPING
MANAGEMENT
Grp./Div. : 3629
Examiner : Jamisue A. Plucinski
Docket No. : PSTM0042/MRK

**STATEMENT OF THE CORRECT PATENT TERM ADJUSTMENT
IN SUPPORT OF APPLICATION FOR RECONSIDERATION OF PATENT TERM
ADJUSTMENT INDICATED IN DECISION ON REQUEST FOR RECALCULATION OF
PATENT TERM ADJUSTMENT IN VIEW OF WYETH UNDER 35 USC
§154(b)(3)(B)(ii)**

Commissioner for Patents (Filed Electronically)
P.O. Box 1450
Alexandria, VA 22313-1450

140 S. Lake Ave., Suite 312
Pasadena, CA 91101
May 18, 2010

Commissioner:

This Statement of the Correct Patent Term Adjustment in Support of Application for Reconsideration of Patent Term Adjustment is filed concurrently with an Application for Reconsideration of Patent Term Adjustment. The Decision (the "Decision;" a copy of which is enclosed herewith for convenient reference) by the Patent Office granting a Patent Term Adjustment in view of Wyeth of 1525 days (sometimes referred to herein as the "Wyeth-Recalculation" or the "Wyeth-PTA-Recalculation") is gratefully acknowledged with appreciation. However, for the reasons given further below, it is respectfully asserted that the Wyeth-PTA-Recalculation of 1525 days is incorrect, and that the correct PTA is 1417 days.

STATEMENT OF THE CORRECT PATENT TERM ADJUSTMENT

Patent No. 7,664,651

Application No.: 09/820,292

It is respectfully submitted that the determination of 1525 days is in error, due to a failure in the PAIR system Patent Term Adjustment History to provide the following Patent Term Adjustment events and/or considerations under 37 CFR §1.704, as follows:

Item (1.) A copy of a printout of the PAIR system Patent Term Adjustment History for the Application is attached hereto as Exhibit A. A copy of a printout of the PAIR system Image File Wrapper for the Application is attached hereto as Exhibit B. It is respectfully submitted that the PAIR system failed to indicate a debit for the time between the PAIR system identified entry on 04-08-2009 (entitled "Response after Non-Final Action") and the PAIR-system-identified entry on 07-23-2009 (entitled "Information Disclosure Statement (IDS) Filed").

Period of adjustment (credits) shall be reduced where applicant submits a supplemental reply or other paper, not expressly requested by the examiner, after a reply has been filed, for the period beginning on the day after the date the initial reply was filed and ending on the date that the supplemental reply or other such paper was filed. 37 CFR §1.704(c)(8).

It is respectfully submitted that a period of adjustment debit of 106 days is associated with the period between the 04-08-2009 Response entry in PAIR, and the 07-23-2009 IDS entry in PAIR.

Item (2.) A copy of a printout of the PAIR system Patent Term Adjustment History for the Application is attached hereto as Exhibit A. A copy of a printout of the PAIR system Image File Wrapper for the Application is attached hereto as Exhibit B. It is respectfully submitted that the PAIR system failed to associate a Notice of Missing Parts and a corresponding Response to Notice of Missing Parts, and therefore failed to calculate a period of time under 37 C.F.R. §1.704(b), as follows:

a.) the PAIR system did not identify as a Notice of Missing Parts, the PAIR system Patent Term Adjustment History entry dated 05-08-2001, entitled "Notice Mailed—Application Incomplete—Filing Date Assigned" (see Exhibit A hereto; see also, Exhibit B hereto – PAIR System Image File Wrapper entry dated 05-08-2001, entitled "Pre-Exam Formalities Notice");

b.) there is no entry in the PAIR system Patent Term Adjustment History (see Exhibit A hereto) of a Response to Notice of Missing Parts, designated in the PAIR System Image File Wrapper (see Exhibit B hereto) for the Application as an entry dated "08-10-2001," entitled "Applicant Response to Pre-Exam Formalities Notice;" and

STATEMENT OF THE CORRECT PATENT TERM ADJUSTMENT

Patent No. **7,664,651**

Application No.: 09/820,292

c.) the PAIR system Patent Term Adjustment History fails to associate the August 10, 2001-dated entry for Applicant's Response to Notice of Missing Parts with the Notice of Missing Parts, dated 05-08-2001.

With respect to **Item (2.)** above regarding the Notice of Missing Parts and the corresponding Response to Notice of Missing Parts, according to 37 C.F.R. §1.704(b), period of adjustment credits shall be reduced for the period of time "in excess of three months that are taken to reply to any notice or action by the Office making any rejection, objection, argument, or other request, . . . beginning on the day after the date that is three months after the date of mailing or transmission of the Office communication . . . and ending on the date the reply is filed." With respect to **Item (2.)** above, it is respectfully submitted that period of adjustment credits should be reduced, according to 37 C.F.R. §1.704(b), by 2 days, wherein the 2 days began on August 9, 2001 (the day after the August 8, 2001 date that is three months after the May 10, 2001 mailing date of the Notice of Missing Parts), and ended on August 10, 2001 (the date noted in the PAIR system as the receipt date of the Response to the Notice of Missing Parts).

According to 37 C.F.R. §1.704(b), it is therefore respectfully submitted that period of adjustment credits should be further reduced by a total of 2 non-overlapping days.

Summary of PTA Recalculation Correction

In view of Items 1 and 2 above, it is accordingly respectfully asserted that the determination of 1525 days is in error, and that the correct Patent Term Adjustment is 1417 days (which is calculated by subtracting the above-mentioned 106 +2 (totaling 108) non-overlapping days from the original determination of 1525 days).

With respect to 37 C.F.R. §1.705(b)(2)(iii), it is respectfully submitted that the Patent is not subject to a terminal disclaimer in that no terminal disclaimer was filed for

STATEMENT OF THE CORRECT PATENT TERM ADJUSTMENT

Patent No. **7,664,651**

Application No.: 09/820,292

the above-identified patent application (Serial No. 09/820,292).

Respectfully submitted,
KHORSANDI PATENT LAW GROUP,
A LAW CORPORATION

May 18, 2010
Date

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EXHIBIT A

09/820,292	APPARATUS, SYSTEMS AND METHODS FOR ONLINE, MULTI-PARCEL, MULTI-CARRIER, MULTI-SERVICE PARCEL RETURNS SHIPPING MANAGEMENT	04-27- 2010::15:18:48
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Patent Term Adjustments

Patent Term Adjustment (PTA) for Application Number: 09/820,292

Filing or 371(c) Date:	03-27-2001	USPTO Delay (PTO) Delay (days):	-
Issue Date of Patent:	02-09-2010	Three Years:	-
Pre-Issue Petitions (days):	-	Applicant Delay (APPL) Delay (days):	-
Post-Issue Petitions (days):	-	Total PTA (days):	1525
USPTO Adjustment(days):	-	Explanation Of Calculations	

Patent Term Adjustment History

Date	Contents Description	PTO(Days)	APPL(Days)
04-17-2010	Petition Decision - Granted		
03-24-2010	Petition Entered		
02-09-2010	Recordation of Patent Grant Mailed		
01-20-2010	Issue Notification Mailed		
01-11-2007	PTA 36 Months	1020	
02-09-2010	Patent Issue Date Used in PTA Calculation		
12-01-2009	Dispatch to FDC	⬆	
11-21-2009	Response to Reasons for Allowance	⬆	
11-25-2009	Application Is Considered Ready for Issue	⬆	
11-21-2009	Issue Fee Payment Verified	⬆	
11-21-2009	Issue Fee Payment Received	⬆	
08-21-2009	Mail Notice of Allowance	13	
08-19-2009	Document Verification	⬆	
08-19-2009	Examiner's Amendment Communication	⬆	
08-19-2009	Notice of Allowance Data Verification Completed	⬆	
07-23-2009	Information Disclosure Statement considered	⬆	
07-23-2009	Information Disclosure Statement considered	⬆	
07-23-2009	Information Disclosure Statement (IDS) Filed	⬆	
07-23-2009	Information Disclosure Statement (IDS) Filed	⬆	
05-27-2009	Date Forwarded to Examiner	⬆	
04-08-2009	Response after Non-Final Action		2
04-08-2009	Affidavit(s) (Rule 131 or 132) or Exhibit(s) Received		⬆
01-06-2009	Mail Non-Final Rejection		⬆
01-05-2009	Non-Final Rejection		
10-22-2008	Date Forwarded to Examiner		
10-08-2008	Response after Non-Final Action		40
10-08-2008	Request for Extension of Time - Granted		⬆
10-08-2008	Affidavit(s) (Rule 131 or 132) or Exhibit(s) Received		⬆
05-29-2008	Mail Non-Final Rejection		⬆
05-27-2008	Non-Final Rejection		

02-19-2008	Information Disclosure Statement considered	
02-19-2008	Information Disclosure Statement (IDS) Filed	
03-18-2008	Date Forwarded to Examiner	
03-18-2008	Date Forwarded to Examiner	
02-19-2008	Request for Continued Examination (RCE)	4
03-18-2008	Disposal for a RCE / CPA / R129	↑
02-19-2008	Information Disclosure Statement (IDS) Filed	↑
02-19-2008	Workflow - Request for RCE - Begin	↑
11-15-2007	Mail Final Rejection (PTOL - 326)	↑
10-25-2007	Final Rejection	
08-08-2007	Information Disclosure Statement considered	
08-08-2007	Reference capture on IDS	
08-08-2007	Information Disclosure Statement (IDS) Filed	
08-16-2007	Date Forwarded to Examiner	
08-08-2007	Response after Non-Final Action	34
08-08-2007	Request for Extension of Time - Granted	↑
08-08-2007	Information Disclosure Statement (IDS) Filed	↑
04-05-2007	Mail Non-Final Rejection	↑
04-02-2007	Non-Final Rejection	
01-24-2007	Date Forwarded to Examiner	
01-24-2007	Date Forwarded to Examiner	
01-12-2007	Request for Continued Examination (RCE)	35
01-24-2007	Disposal for a RCE / CPA / R129	↑
01-12-2007	Request for Extension of Time - Granted	↑
01-12-2007	Workflow - Request for RCE - Begin	↑
09-08-2006	Mail Final Rejection (PTOL - 326)	↑
09-05-2006	Final Rejection	
07-01-2006	Date Forwarded to Examiner	
06-23-2006	Response after Non-Final Action	1
04-13-2006	Correspondence Address Change	↑
03-22-2006	Mail Non-Final Rejection	↑
03-06-2006	Non-Final Rejection	
12-21-2005	Date Forwarded to Examiner	
12-15-2005	Response after Non-Final Action	31
11-18-2005	Mail Notice of Informal or Non-Responsive Amendment	↑
11-14-2005	New or Additional Drawing Filed	↑
11-18-2005	Date Forwarded to Examiner	↑
11-14-2005	Informal or Non-Responsive Amendment after Examiner Action	↑
11-14-2005	Response after Non-Final Action	31
11-14-2005	Request for Extension of Time - Granted	↑
07-14-2005	Mail Non-Final Rejection	↑

07-11-2005	Non-Final Rejection	
05-05-2005	Date Forwarded to Examiner	
04-27-2005	Response to Election / Restriction Filed	
03-25-2005	Mail Restriction Requirement	670
03-21-2005	Requirement for Restriction / Election	↑
10-28-2004	IFW TSS Processing by Tech Center Complete	↑
03-04-2002	Information Disclosure Statement (IDS) Filed	↑
03-04-2002	Information Disclosure Statement (IDS) Filed	↑
08-27-2001	Information Disclosure Statement (IDS) Filed	↑
08-27-2001	Information Disclosure Statement (IDS) Filed	↑
08-27-2001	Reference capture on IDS	↑
08-23-2001	Request for Foreign Priority (Priority Papers May Be Included)	↑
03-02-2004	Case Docketed to Examiner in GAU	↑
11-17-2003	Case Docketed to Examiner in GAU	↑
04-23-2002	Case Docketed to Examiner in GAU	↑
03-06-2002	Mail-Petition Decision - Dismissed	↑
02-14-2002	Petition Entered	↑
02-04-2002	Case Docketed to Examiner in GAU	↑
01-04-2002	Information Disclosure Statement (IDS) Filed	↑
01-04-2002	Information Disclosure Statement (IDS) Filed	↑
10-25-2001	Application Dispatched from OIPE	↑
10-01-2001	Application Is Now Complete	↑
05-08-2001	Notice Mailed--Application Incomplete--Filing Date Assigned	↑
05-08-2001	Correspondence Address Change	↑
04-21-2001	IFW Scan & PACR Auto Security Review	↑
03-27-2001	Initial Exam Team nn	↑

[Close Window](#)

EXHIBIT B

09/820,292

**APPARATUS, SYSTEMS AND METHODS FOR ONLINE, MULTI-PARCEL,
MULTI-CARRIER, MULTI-SERVICE PARCEL RETURNS SHIPPING
MANAGEMENT**

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2010::16:40:30

This application is officially maintained in electronic form. To View: Click the desired Document Description. To Download and Print: Check the desired document(s) and click PDF.

Bibliographic Data

Mail Room Date	Document Code	Document Description	Document Category	Page Count
04-21-2010	PETDEC	Petition Decision	PROSECUTION	1
03-24-2010	PET.PTA.RCAL	Request for PTA recalculation in view of Wyeth	PROSECUTION	3
03-24-2010	N417	EFS Acknowledgment Receipt	PROSECUTION	2
03-24-2010	TRAN.LET	Transmittal Letter	PROSECUTION	1
01-20-2010	ISSUE.NTF	Issue Notification	PROSECUTION	1
11-21-2009	IFEE	Issue Fee Payment (PTO-85B)	PROSECUTION	1
11-21-2009	INTRVIEW.APP	Applicant summary of interview with examiner	PROSECUTION	1
11-21-2009	WFEE	Fee Worksheet (PTO-875)	PROSECUTION	2
11-21-2009	N417	EFS Acknowledgment Receipt	PROSECUTION	2
11-21-2009	TRAN.LET	Transmittal Letter	PROSECUTION	2
08-21-2009	NOA	Notice of Allowance and Fees Due (PTOL-85)	PROSECUTION	7
08-21-2009	BIB	Bibliographic Data Sheet	PROSECUTION	2
08-21-2009	SRNT	Examiner's search strategy and results	PROSECUTION	2
08-21-2009	FWCLM	Index of Claims	PROSECUTION	5
08-21-2009	SRFW	Search information including classification, databases and other search related notes	PROSECUTION	1
08-21-2009	IIFW	Issue Information including classification, examiner, name, claim, renumbering, etc.	PROSECUTION	2
08-21-2009	SRNT	Examiner's search strategy and results	PROSECUTION	1
08-21-2009	1449	List of References cited by applicant and considered by examiner	PRIOR ART	4
08-21-2009	1449	List of References cited by applicant and considered by examiner	PRIOR ART	4
07-23-2009	IDS	Information Disclosure Statement (IDS) Filed (SB/08)	PROSECUTION	4
07-23-2009	TRAN.LET	Transmittal Letter	PROSECUTION	2
07-23-2009	FOR	Foreign Reference	PRIOR ART	27
07-23-2009	FOR	Foreign Reference	PRIOR ART	625
07-23-2009	N417	EFS Acknowledgment Receipt	PROSECUTION	2
07-23-2009	TRAN.LET	Transmittal Letter	PROSECUTION	5
07-23-2009	IDS	Information Disclosure Statement (IDS) Filed (SB/08)	PROSECUTION	4
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07-23-2009	NPL	NPL Documents	PRIOR ART	20
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07-23-2009	NPL	NPL Documents	PRIOR ART	11
07-23-2009	NPL	NPL Documents	PRIOR ART	24
07-23-2009	NPL	NPL Documents	PRIOR ART	11
07-23-2009	NPL	NPL Documents	PRIOR ART	8
07-23-2009	NPL	NPL Documents	PRIOR ART	5
07-23-2009	NPL	NPL Documents	PRIOR ART	3

07-23-2009	NPL	NPL Documents	PRIOR ART	3
07-23-2009	NPL	NPL Documents	PRIOR ART	5
07-23-2009	NPL	NPL Documents	PRIOR ART	1
07-23-2009	NPL	NPL Documents	PRIOR ART	2
07-23-2009	NPL	NPL Documents	PRIOR ART	1
07-23-2009	NPL	NPL Documents	PRIOR ART	2
07-23-2009	NPL	NPL Documents	PRIOR ART	1
07-23-2009	NPL	NPL Documents	PRIOR ART	1
07-23-2009	WFEE	Fee Worksheet (PTO-875)	PROSECUTION	2
07-23-2009	N417	EFS Acknowledgment Receipt	PROSECUTION	4
07-23-2009	TRAN.LET	Transmittal Letter	PROSECUTION	5
04-08-2009	A...	Amendment/Req. Reconsideration-After Non-Final Reject	PROSECUTION	1
04-08-2009	CLM	Claims	PROSECUTION	14
04-08-2009	REM	Applicant Arguments/Remarks Made in an Amendment	PROSECUTION	36
04-08-2009	AF/D	Rule 130, 131 or 132 Affidavits	PROSECUTION	26
04-08-2009	AF/D	Rule 130, 131 or 132 Affidavits	PROSECUTION	6
04-08-2009	TRAN.LET	Transmittal Letter	PROSECUTION	4
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01-06-2009	CTNF	Non-Final Rejection	PROSECUTION	14
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01-06-2009	SRFW	Search information including classification, databases and other search related notes	PROSECUTION	1
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10-08-2008	AF/D	Rule 130, 131 or 132 Affidavits	PROSECUTION	6
10-08-2008	XT/	Extension of Time	PROSECUTION	2
10-08-2008	LET.	Miscellaneous Incoming Letter	PROSECUTION	6
10-08-2008	WFEE	Fee Worksheet (PTO-875)	PROSECUTION	1
05-29-2008	CTNF	Non-Final Rejection	PROSECUTION	9
05-29-2008	FWCLM	Index of Claims	PROSECUTION	5
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05-29-2008	1449	List of References cited by applicant and considered by examiner	PRIOR ART	1
02-19-2008	TRAN.LET	Transmittal Letter	PROSECUTION	2
02-19-2008	IDS	Information Disclosure Statement (IDS) Filed (SB/08)	PROSECUTION	1
02-19-2008	NPL	NPL Documents	PRIOR ART	3
02-19-2008	NPL	NPL Documents	PRIOR ART	2
02-19-2008	NPL	NPL Documents	PRIOR ART	2
02-19-2008	LET.	Miscellaneous Incoming Letter	PROSECUTION	2
02-19-2008	AMSB	Amendment Submitted/Entered with Filing of CPA/RCE	PROSECUTION	2
02-19-2008	CLM	Claims	PROSECUTION	40
02-19-2008	REM	Applicant Arguments/Remarks Made in an Amendment	PROSECUTION	21
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		Authorization for Extension of Time all		

02-19-2008	136A	replies	PROSECUTION	1
11-15-2007	CTFR	Final Rejection	PROSECUTION	10
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11-15-2007	892	List of references cited by examiner	PRIOR ART	1
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11-15-2007	SRFW	Search information including classification, databases and other search related notes	PROSECUTION	1
10-23-2007	SRNT	Examiner's search strategy and results	PROSECUTION	2
10-22-2007	SRNT	Examiner's search strategy and results	PROSECUTION	1
08-08-2007	A...	Amendment/Req. Reconsideration-After Non-Final Reject	PROSECUTION	1
08-08-2007	CLM	Claims	PROSECUTION	39
08-08-2007	REM	Applicant Arguments/Remarks Made in an Amendment	PROSECUTION	13
08-08-2007	IDS	Information Disclosure Statement (IDS) Filed (SB/08)	PROSECUTION	3
08-08-2007	FOR	Foreign Reference	PRIOR ART	41
08-08-2007	FOR	Foreign Reference	PRIOR ART	8
08-08-2007	FOR	Foreign Reference	PRIOR ART	164
08-08-2007	FOR	Foreign Reference	PRIOR ART	5
08-08-2007	NPL	NPL Documents	PRIOR ART	3
08-08-2007	NPL	NPL Documents	PRIOR ART	4
08-08-2007	NPL	NPL Documents	PRIOR ART	6
08-08-2007	LET.	Miscellaneous Incoming Letter	PROSECUTION	3
08-08-2007	LET.	Miscellaneous Incoming Letter	PROSECUTION	3
08-08-2007	XT/	Extension of Time	PROSECUTION	1
08-08-2007	WFEE	Fee Worksheet (PTO-875)	PROSECUTION	1
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04-05-2007	SRFW	Search information including classification, databases and other search related notes	PROSECUTION	1
04-05-2007	FWCLM	Index of Claims	PROSECUTION	2
01-12-2007	AMSB	Amendment Submitted/Entered with Filing of CPA/RCE	PROSECUTION	2
01-12-2007	CLM	Claims	PROSECUTION	38
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01-12-2007	RCEX	Request for Continued Examination (RCE)	PROSECUTION	1
01-12-2007	XT/	Extension of Time	PROSECUTION	1
01-12-2007	LET.	Miscellaneous Incoming Letter	PROSECUTION	3
01-12-2007	WFEE	Fee Worksheet (PTO-875)	PROSECUTION	1
09-08-2006	CTFR	Final Rejection	PROSECUTION	9
09-08-2006	1449	List of References cited by applicant and considered by examiner	PRIOR ART	1
09-08-2006	SRFW	Search information including classification, databases and other search related notes	PROSECUTION	1
09-08-2006	FWCLM	Index of Claims	PROSECUTION	2
06-23-2006	A...	Amendment/Req. Reconsideration-After Non-Final Reject	PROSECUTION	3
06-23-2006	CLM	Claims	PROSECUTION	39
		Applicant Arguments/Remarks Made in		

06-23-2006	REM	an Amendment	PROSECUTION	7
06-09-2006	EBCC.AD	Notice of Change of Address placed in File Wrapper due to EBC Customer Number update	PROSECUTION	1
03-22-2006	CTNF	Non-Final Rejection	PROSECUTION	8
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03-06-2006	SRNT	Examiner's search strategy and results	PROSECUTION	1
12-15-2005	A...	Amendment/Req. Reconsideration-After Non-Final Reject	PROSECUTION	2
12-15-2005	REM	Applicant Arguments/Remarks Made in an Amendment	PROSECUTION	4
11-18-2005	NTC.A.NONCPL	Notice to the applicant regarding a non-compliant or non-responsive amendment	PROSECUTION	2
11-14-2005	A...	Amendment/Req. Reconsideration-After Non-Final Reject	PROSECUTION	1
11-14-2005	SPEC	Specification	PROSECUTION	1
11-14-2005	CLM	Claims	PROSECUTION	36
11-14-2005	REM	Applicant Arguments/Remarks Made in an Amendment	PROSECUTION	6
11-14-2005	SPEC	Specification	PROSECUTION	61
11-14-2005	CLM	Claims	PROSECUTION	2
11-14-2005	ABST	Abstract	PROSECUTION	1
11-14-2005	DRW.NE	Drawings - Amendment Not Entered	PROSECUTION	66
11-14-2005	XT/	Extension of Time	PROSECUTION	1
11-14-2005	LET.	Miscellaneous Incoming Letter	PROSECUTION	2
11-14-2005	136A	Authorization for Extension of Time all replies	PROSECUTION	2
11-14-2005	WFEE	Fee Worksheet (PTO-875)	PROSECUTION	1
11-14-2005	WFEE	Fee Worksheet (PTO-875)	PROSECUTION	1
07-14-2005	CTNF	Non-Final Rejection	PROSECUTION	10
07-14-2005	1449	List of References cited by applicant and considered by examiner	PRIOR ART	11
07-14-2005	892	List of references cited by examiner	PRIOR ART	1
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07-14-2005	FWCLM	Index of Claims	PROSECUTION	2
07-14-2005	SRFW	Search information including classification, databases and other search related notes	PROSECUTION	1
07-14-2005	SRNT	Examiner's search strategy and results	PROSECUTION	10
07-11-2005	SRNT	Examiner's search strategy and results	PROSECUTION	1
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04-27-2005	CLM	Claims	PROSECUTION	36
04-27-2005	REM	Applicant Arguments/Remarks Made in an Amendment	PROSECUTION	2
04-27-2005	WFEE	Fee Worksheet (PTO-875)	PROSECUTION	1
03-25-2005	CTRS	Requirement for Restriction/Election	PROSECUTION	12
03-25-2005	FWCLM	Index of Claims	PROSECUTION	1
03-06-2002	PETDEC	Petition Decision	PROSECUTION	3
		Information Disclosure Statement (IDS)		

03-04-2002	IDS	Filed (SB/08)	PROSECUTION	17
03-04-2002	NPL	NPL Documents	PRIOR ART	6
03-04-2002	NPL	NPL Documents	PRIOR ART	79
03-04-2002	NPL	NPL Documents	PRIOR ART	122
03-04-2002	NPL	NPL Documents	PRIOR ART	79
03-04-2002	NPL	NPL Documents	PRIOR ART	8
03-04-2002	NPL	NPL Documents	PRIOR ART	2
03-04-2002	NPL	NPL Documents	PRIOR ART	3
02-14-2002	IMIS	Miscellaneous Internal Document	PROSECUTION	5
02-06-2002	CTMS	Miscellaneous Action with SSP	PROSECUTION	1
01-04-2002	IDS	Information Disclosure Statement (IDS) Filed (SB/08)	PRIOR ART	29
01-04-2002	NPL	NPL Documents	PRIOR ART	161
01-04-2002	NPL	NPL Documents	PRIOR ART	106
01-04-2002	NPL	NPL Documents	PRIOR ART	10
01-04-2002	NPL	NPL Documents	PRIOR ART	14
01-04-2002	NPL	NPL Documents	PRIOR ART	9
01-04-2002	NPL	NPL Documents	PRIOR ART	18
01-04-2002	NPL	NPL Documents	PRIOR ART	24
01-04-2002	NPL	NPL Documents	PRIOR ART	29
01-04-2002	NPL	NPL Documents	PRIOR ART	29
01-04-2002	NPL	NPL Documents	PRIOR ART	10
01-04-2002	NPL	NPL Documents	PRIOR ART	22
01-04-2002	NPL	NPL Documents	PRIOR ART	7
01-04-2002	NPL	NPL Documents	PRIOR ART	7
01-04-2002	NPL	NPL Documents	PRIOR ART	16
01-04-2002	NPL	NPL Documents	PRIOR ART	18
01-04-2002	NPL	NPL Documents	PRIOR ART	95
01-04-2002	NPL	NPL Documents	PRIOR ART	85
01-04-2002	SPEC	Specification	PRIOR ART	70
01-04-2002	CLM	Claims	PROSECUTION	1
01-04-2002	ABST	Abstract	PROSECUTION	1
01-04-2002	DRW	Drawings-only black and white line drawings	PROSECUTION	162
08-27-2001	IDS	Information Disclosure Statement (IDS) Filed (SB/08)	PROSECUTION	6
08-27-2001	FOR	Foreign Reference	PRIOR ART	39
08-27-2001	FOR	Foreign Reference	PRIOR ART	237
08-27-2001	FOR	Foreign Reference	PRIOR ART	63
08-27-2001	NPL	NPL Documents	PRIOR ART	13
08-27-2001	NPL	NPL Documents	PRIOR ART	3
08-27-2001	NPL	NPL Documents	PRIOR ART	2
08-27-2001	NPL	NPL Documents	PRIOR ART	2
08-27-2001	NPL	NPL Documents	PRIOR ART	2
08-27-2001	NPL	NPL Documents	PRIOR ART	3
08-27-2001	NPL	NPL Documents	PRIOR ART	6
08-27-2001	NPL	NPL Documents	PRIOR ART	3
08-27-2001	NPL	NPL Documents	PRIOR ART	11
08-27-2001	NPL	NPL Documents	PRIOR ART	5
08-27-2001	NPL	NPL Documents	PRIOR ART	1
08-27-2001	NPL	NPL Documents	PRIOR ART	1
08-27-2001	NPL	NPL Documents	PRIOR ART	1
08-27-2001	NPL	NPL Documents	PRIOR ART	1
08-27-2001	NPL	NPL Documents	PRIOR ART	1

08-27-2001	NPL	NPL Documents	PRIOR ART	1
08-27-2001	NPL	NPL Documents	PRIOR ART	9
08-27-2001	NPL	NPL Documents	PRIOR ART	27
08-27-2001	NPL	NPL Documents	PRIOR ART	28
08-27-2001	NPL	NPL Documents	PRIOR ART	3
08-27-2001	NPL	NPL Documents	PRIOR ART	1
08-27-2001	NPL	NPL Documents	PRIOR ART	2
08-23-2001	IMIS	Miscellaneous Internal Document	PROSECUTION	2
08-23-2001	FRPR	Certified Copy of Foreign Priority Application	PROSECUTION	275
08-10-2001	PEFR	Applicant Response to Pre-Exam Formalities Notice	PROSECUTION	4
08-10-2001	DRW	Drawings-only black and white line drawings	PROSECUTION	99
08-10-2001	TRNA	Transmittal of New Application	PROSECUTION	2
08-10-2001	OATH	Oath or Declaration filed	PROSECUTION	5
08-10-2001	XT/	Extension of Time	PROSECUTION	1
08-10-2001	C.AD	Change of Address	PROSECUTION	1
08-01-2001	LET.	Miscellaneous Incoming Letter	PROSECUTION	6
08-01-2001	NPL	NPL Documents	PRIOR ART	239
08-01-2001	NPL	NPL Documents	PRIOR ART	240
05-08-2001	PEFN	Pre-Exam Formalities Notice	PROSECUTION	2
03-27-2001	TRNA	Transmittal of New Application	PROSECUTION	3
03-27-2001	SPEC	Specification	PROSECUTION	103
03-27-2001	CLM	Claims	PROSECUTION	27
03-27-2001	ABST	Abstract	PROSECUTION	1
03-27-2001	DRW	Drawings-only black and white line drawings	PROSECUTION	109
03-27-2001	OATH	Oath or Declaration filed	PROSECUTION	4
03-27-2001	ABST	Abstract	PROSECUTION	1
03-27-2001	BIB	Bibliographic Data Sheet	PROSECUTION	1
03-27-2001	WFEE	Fee Worksheet (PTO-875)	PROSECUTION	1
03-27-2001	WCLM	Claims Worksheet (PTO-2022)	PROSECUTION	2

Close Window